

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13171, Hood River County) A DISTRICT TEMPORARY TRANSFER
)

Authority

Oregon Revised Statue (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Applicant

EAST FORK IRRIGATION DISTRICT
PO BOX 162
ODELL, OR 97044

Findings of Fact

1. On April 22, 2019, East Fork Irrigation District (EFID) filed a district transfer application to temporarily change a place of use within the boundaries of the irrigation district under Certificate 80929. The Department assigned the application number T-13171.
2. Notice of the application for transfer was published on April 30, 2019, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 80929 in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit S-29617)

Use: IRRIGATION of 6.5 acres

Priority Date: MARCH 13, 1964

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
1 N	10 E	WM	02	SE SW	6.5	1800	WALLACE	1

- Transfer Application T-13171 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
1 N	10 E	WM	02	NE SE	4.5	2000	GOSS	1
1 N	10 E	WM	02	SE SE	2.0	2000	GOSS	1
Total:					6.5			

- The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
- Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
- The proposed change in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
- The proposed change in place of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
- All other applicable requirements for district temporary water right transfers are met.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13171 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

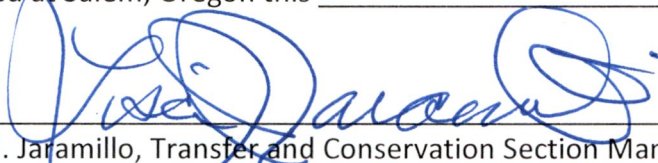
Now, therefore, it is ORDERED:

- The temporary change in place of use proposed in Transfer Application T-13171 is approved.
- The former places of use **shall not** be irrigated as part of these water rights during the 2019 irrigation season.
- The use shall revert to the authorized place of use after the 2019 irrigation season.

4. Any application for permanent transfer of Certificate 80929 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture of Certificate 80929 under ORS 540.610.
6. The use of water on lands from which the right is transferred and in the new temporary location during the same irrigation season or calendar year is prohibited and may subject the district and the landowner to civil penalties.
7. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
8. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
9. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 80929.
10. The use of the remaining water rights described by Certificate 80929 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificate 80929.

JUN 14 2019

Signed at Salem, Oregon this _____.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JUN 17 2019**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13171

Transfer Specialist:

Transfer Type: District Temporary Transfer

Applicant: EAST FORK IRRIGATION DISTRICT PO BOX 162 ODELL, OR 97044 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Decree	S-29617	80929	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: April 22, 2019	Proposed Action(s): PLACE OF USE	
Fees Pd: 824.95	WM District: 3	ODFW District:
Initial Public Notice: April 30, 2019	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent: —	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <u>4-29</u> Initials: <u>AKL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____